

No. 2023-1138

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

In re: UNIVERSAL ELECTRONICS INC.,
Appellant.

On appeal from the United States Patent and Trademark Office,
Application No. 15/785,954

**APPELLANT’S UNOPPOSED MOTION FOR A FORTY (40) DAY
EXTENSION OF TIME TO FILE ITS OPENING BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant Universal Electronics Inc. (“Appellant”) respectfully moves for a forty (40) day extension of time to file its opening brief, to and including Wednesday, March 29, 2023. Appellant’s opening brief is currently due on Friday, February 17, 2023. Appellant has not previously sought an extension in this appeal. Counsel for Appellee has informed counsel for Appellant that Appellee does not oppose this motion.

As set forth in the accompanying declaration of counsel, there is good cause for the requested forty (40) day extension of the time for Appellant to file its opening brief. Appellant’s counsel’s workload is currently exceptionally

high, and counsel has several competing deadlines in other litigation matters in which it is involved. Attorney Lukas, who will be primarily involved in drafting Appellant's briefs and arguing for Appellant at oral argument, is lead counsel and/or responsible for the day-to-day handling of these litigation matters.

For these reasons, Appellant respectfully requests that the Court grant Appellant a forty (40) day extension of time, to and including Wednesday, March 29, 2023, in which to file its opening brief.

Dated: February 10, 2023

Respectfully submitted,

/s/ James J. Lukas, Jr.
James J. Lukas, Jr.
lukasj@gtlaw.com
Gary R. Jarosik
jarosikg@gtlaw.com
Benjamin P. Gilford
gilfordb@gtlaw.com
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Ste. 3100
Chicago, IL 60601
Telephone: (312) 456-8400

Erik M. Bokar
bokare@gtlaw.com
GREENBERG TRAURIG, P.A.
450 S. Orange Avenue, Ste. 650
Orlando, FL 32801
Telephone: (407) 420-1000

Counsel for Appellant

No. 2023-1138

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

UNIVERSAL ELECTRONICS INC.,
Appellant.

On appeal from the United States Patent and Trademark Office,
Application No. 15/785,954

**DECLARATION OF JAMES J. LUKAS, JR. IN SUPPORT OF
APPELLANT’S UNOPPOSED MOTION FOR A FORTY (40) DAY
EXTENSION OF TIME TO FILE ITS OPENING BRIEF**

1. I am a shareholder at Greenberg Traurig, LLP, counsel to Appellant Universal Electronics Inc. (“Appellant”) in this appeal. I am submitting this declaration of counsel in support of Appellant’s motion for a forty (40) day extension of time within which to file its opening brief.

2. Under the current briefing schedule, Appellant’s opening brief is due on or before Friday, February 17, 2023. Appellant respectfully requests that the briefing schedule be revised such that the deadline is extended by forty (40) days. If Appellant’s request is granted, its opening brief would be due Wednesday, March 29, 2023. Appellant has not previously sought an extension in this appeal.

3. There is good cause for the additional time requested herein. Appellant's counsel's workload is currently exceptionally high, and counsel has several competing deadlines in other litigation matters in which it is involved. Attorney Lukas, who will be primarily involved in drafting Appellant's briefs and arguing for Appellant at oral argument, is lead counsel and/or responsible for the day-to-day handling of these litigation matters.

4. For example, Appellant's counsel is involved in a district court case, *Chervon (HK) Limited et al. v. One World Technologies, Inc. et al.*, Case No. 19-cv-1293 (D. Del.), in which fact witness depositions are scheduled to take place in February and March of 2023 and expert witness reports are scheduled to be exchanged by March 31, 2023.

5. Additionally, Appellant's counsel is involved in an *inter partes* review proceeding pending before the Patent Trial and Appeal Board (IPR2022-943) in which expert witness depositions are scheduled to take place in February of 2023 and the patent owner's response to the petition is currently due by March 9, 2023.

6. Further, Appellant's counsel has another appeal pending in this Court (Appeal No. 2023-1019) in which the response brief is currently due by March 20, 2023.

7. In view of the above, counsel reasonably needs additional time to prepare the opening brief and to ensure the brief is properly reviewed before filing.

8. Pursuant to Federal Circuit Rule 27(a)(2), counsel for Appellant has conferred with counsel for Appellee regarding this motion. Appellee does not oppose Appellant's request for a forty (40) day extension of time within which to file its opening brief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 10, 2023

Respectfully submitted,

/s/ James J. Lukas, Jr.
James J. Lukas, Jr.
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Ste. 3100
Chicago, IL 60601
Telephone: (312) 456-8400

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of February 2023, I filed the foregoing Appellant's Unopposed Motion for a Forty (40) Day Extension of Time to File Its Opening Brief with the Clerk of the United States Court of Appeals for the Federal Circuit via the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

Dated: February 10, 2023

Respectfully submitted,

/s/ James J. Lukas, Jr.

James J. Lukas, Jr.

GREENBERG TRAURIG, LLP

77 West Wacker Drive, Ste. 3100

Chicago, IL 60601

Telephone: (312) 456-8400

Counsel for Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the type-volume limitations of Federal Rules of Appellate Procedure 27 and 32 because it contains 191 words.

Dated: February 10, 2023

Respectfully submitted,

/s/ James J. Lukas, Jr.

James J. Lukas, Jr.

GREENBERG TRAURIG, LLP

77 West Wacker Drive, Ste. 3100

Chicago, IL 60601

Telephone: (312) 456-8400

Counsel for Appellant